III. REMARKS

1. Claim 1 is proposed to be amended. Claims 1-21 are pending.

2. In the interview with the Examiner on January 12, 2006, the rejection of Claim 1 under 35 U.S.C. §101 rejection was discussed. The Examiner indicted that Applicant's proposed amendment, in the After Final response filed on December 5, 2005, was not suitable because the proposed change "embodied on a medium that a computer may access" was not definite. The term "may" was uncertain. The undersigned and the Examiner discussed alternative language, which resulted in the change proposed herein. The 35 U.S.C. §101 rejection should now be overcome.

3. Claims 3-6 and 8-11 are not anticipated by Nakagawa et al. ("Nakagawa") (U.S. Publication No. 2003/0159065 A1) under 35 U.S.C. §102(e) because each feature of Applicant's invention is not expressly or inherently taught by Nakagawa. A *prima facie* case of anticipation under 35 U.S.C. §102(e) requires that **each and every element** of Applicant's invention recited in the claims be taught by the reference (M.P.E.P §2131). Although "identity of terminology" is not required, the **"identical invention"** must be shown in **"as complete detail as is contained in the claim."** It is respectfully submitted that, for the reasons stated herein and noted previously, Nakagawa does not and cannot disclose or suggest each and every element of Applicant's invention as is recited in the claims.

First, Applicant's invention is directed to "managing attribute data" in a **"multiple platform architecture"**. A multiple **platform** architecture" as defined by Applicant includes a platform that has its own **"processor and software."** (see e.g. page 1, lines 13-

15). Each "**platform**" manages and maintains its own **software copyright** information.

Nakagawa does not disclose ore suggest managing attribute data in a "multiple **platform** architecture." Rather, Nakagawa teaches inspecting the copyright of digital data provided on a network using a hyperlink for setting a reference path (Abstract). What Nakagawa is doing is carrying out the inspection of a copyright with respect to a "plurality of **HTML documents**." An **HTML document** is **NOT** a "**platform**" that has its own processor and software, as is claimed by Applicant. Additionally, it certainly cannot be said that "multiple URLs" are the equivalent of the "multiple platforms" described and claimed by Applicant. Nakagawa is merely extracting and comparing an "image" (digital data) that comprises the "copyright information" for an "original image" (see FIG. 4 and paragraph [0048].) This is done to verify whether the "image is one for which one holds the copyright". [0048]. Nakagawa is merely verifying that an "original image", for which a copyright is held, is not altered. Nakagawa is not verifying the copyright for software on a platform as in Applicant's invention.

In Applicant's invention according to claim 3, the "system" collects attribute data from multiple platforms, recognizes the copyright data, processes the copyright data into a list and displays the list to a user.

Claim 3 recites "**polling**" the at least "two" platforms for attribute data. Nakagawa does not, either explicitly or inherently, teach such a concept.

"Polling" is generally used to refer to making continuous requests for data from another device. One definition of

"polling", a copy of which is attached hereto, recites that "in a master/slave scenario, the master queries each slave device in turn as to whether it has any data to transmit. If the slave answers yes then the device is permitted to transmit its data. If the slave answers no then the master moves on and polls the next slave device. The process is repeated continuously." Polling can also involve making "continuous requests for data from another device. For example, modems that support polling can call another system and request data." Nakagawa does not provide any such teaching or disclosure.

FIG. 1 of Nakagawa only shows a relationship between a client 20 and a www server 10. Nakagawa does not teach any type of "polling". Paragraph [0050] of Nakagawa states that the automatic inspection of copyright is carried out with respect to a "plurality of HTML documents." A "plurality" of "documents" is certainly not the same as, and does not at all imply or relate to, the "concept" of "polling" at least one "platform".

Paragraph [0050] of Nakagawa merely states that the browser 22 allows the user to carry out "operation of the HTML document." The operating environment of Nakagawa relates to carrying out the operation of the **HTML "document"** [0050]. This, in essence, means opening the **web page**. As will be understood by one of skill in the art, when one opens a web page, one is carrying out the operation of the underlying HTML document. For example, in Nakagawa, FIG. 3 is an example of the diagram of a home page (Internet page) that represents or is displayed by the HTML document shown in FIG. 2 [0047 & 0050]. The display of a **web page** is not the same as "polling" at least one "**platform**" for attribute data as is recited in Applicant's claims.

Claim 3 of Applicant's claims also recites "displaying the collected attribute data on a user display". There is absolutely no disclosure in Nakagawa related to "displaying" attribute data related to the "HTML document" on a display. Nakagawa only "reads" and "matches" attribute data (see FIG. 8). FIG. 3 is the illustration of the home page of the HTML document of FIG. 2. There is no copyright data displayed in FIG. 3. It is not the "operation" of the home page referred to in FIG. 3 of Nakagawa to display "copyright data." In fact, there is simply no disclosure in Nakagawa related to displaying the copyright data. Rather, Nakagawa only speaks to "inspection" of the copyright with respect to "HTML documents." The "inspection" does not include any "display" of the copyright data. (see e.g. [0054-0059]. Nakagawa does not, and discloses no reason to, collect or display attribute data as is claimed by Applicant.

Quite clearly, the concept claimed by Applicant is not being taught by Nakagawa. The Examiner has not shown how an "HTML document" equates to a "platform" as recited and claimed by Applicant, or how Nakagawa collects attribute data and displays the attribute data.

Thus, since Nakagawa does not disclose, either explicitly or inherently each and every feature of Applicant's invention as recited in claim 3, claim 3 cannot be anticipated under 35 U.S.C. §102(e).

Claims 4-11 should be allowable at least in view of their respective dependencies.

Also, claim 4 is not anticipated by Nakagawa because, as noted above, Nakagawa does not disclose or suggest "**polling**" as that term is used and claimed by Applicant. Furthermore, Nakagawa

does not make any disclosure or suggestion related to "**automatically polling**" the platforms during "**power on**" of one of the platforms. Query, how does one "power on" an HTML document? Certainly, while Nakagawa may not exactly use the term "polling" it also does not in any way make any disclosure or teaching related to the concept of Applicant's invention. Paragraphs [0050] and [0062] of Nakagawa, used by the Examiner to support this particular rejection, do not provide any teaching in this regard.

Paragraph [0050] relates to inspecting the copyright of "HTML documents". As noted previously, one cannot equate a "document" with a "platform" as is claimed by Applicant. There is no automatic polling during power on referenced here.

Paragraph [0062], which refers to an HTML document in FIG. 2, and an attribute shown in FIG. 5, describes how the attribute of digital data used in the acquired HTML document is acquired. There is absolutely nothing in these paragraphs, or anywhere else in Nakagawa, that even remotely discusses or teaches "automatic polling" during "power on" of at least one of the platforms. The Examiner is reminded that "anticipation", for purposes of 35 U.S.C. §102, requires that each and every element of Applicant's claims be explicitly or inherently taught. (M.P.E.P §2131.) The Examiner has not, and cannot, make any such showing here. The Examiner's statement that Applicant's arguments do not comply with 37 C.F.R. 1.111(c) is therefore, incorrect and misguided.

Claim 5 is not anticipated because there is no disclosure related to polling for attribute data initiated by a user request. Nakagawa only discloses recursively activating the copyright inspection device while tracing the hyperlink [0011]. Paragraph [0049] talks about updating the **HTML document** registered in the

database in response to a request from the client. There is simply no reference here, either express or implied related to inspecting the copyright data. Updating the HTML document is not the same as **"polling"** for attribute data as is claimed by Applicant.

Claim 8 is not anticipated by Nakagawa because there is no disclosure that "attribute data" is stored as claimed by Applicant. The "database 12" of Nakagawa stores "**documents**" described by "**HTML**." [0047]. Nothing in Nakagawa discusses storing "copyright" or "attribute" data as claimed by Applicant. Paragraph [0050] merely describes "inspection" of copyright, not "storing" the copyright. Paragraph [0062] talks about "acquiring" images, not "storing" as claimed by Applicant. Thus, this claim cannot be anticipated.

Claim 9 recites "displaying the attribute data collected from the at least two platforms." There is nothing in Nakagawa that discloses the "display" of the attribute or copyright data. Paragraph [0050] makes no reference to the display of copyright data, only the inspection a plurality of HTML documents. The attribute recording file 26 is not a display. FIG. 5 merely illustrates, for explanation purposes, a data file descriptor, a size and a last updated date [0040].

Claim 10 is not anticipated by Nakagawa because Nakagawa does not disclose or suggest any display of copyright data. Paragraph [0011] only relates to "inspection", not display. Paragraph [0049] relates to updating the HTML document and makes no reference to "displaying" the copyright data.

Claim 11 is not anticipated because Nakagawa makes no disclosure related to the display of attribute data as described and claimed

by Applicant. Paragraph [0063] merely describes reading an attribute and is silent as to any display of the attribute data.

4. Claims 1-2, 7 and 12-17 are not unpatentable over Nakagawa in view of "Strategy for collecting Software Inventory Information Across a Local Area Network." (the IBM Disclosure.") under 35 U.S.C. §103(a).

As noted previously, Nakagawa does not disclose or suggest collecting attribute data from multiple platforms or processing the copyright data into a list or displaying the list.

The IBM disclosure is only related to maintaining or collecting software "inventory" information. The IBM disclosure only explains a "collecting" agent that builds a "list" (inventory) of all the software objects found on a LAN. The IBM Disclosure does not make any reference to an intelligent merging/aggregation of "copyright" information as is described and claimed by Applicant. The IBM Disclosure treats each software object found as an independent object and does not correlate the object to other found objects.

The IBM Disclosure only relates to "what is installed" and providing a "complete list of all desired software." The IBM Disclosure makes no reference to collecting copyright information or a list of copyright information. As noted previously, Nakagawa does not disclose or suggest each feature of Applicant's invention. Thus, all of the features of Applicant's invention as claimed are not disclosed or suggested by the combination of Nakagawa and the IBM disclosure.

The Examiner has not demonstrated and it is submitted that there is no motivation to combine Nakagawa with the IBM Disclosure to achieve Applicant's invention, as is required for obviousness

under 35 U.S.C. §103(a). In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. There must also be a reasonable expectation of success, and the reference(s), when combined, must teach or suggest all of the claim limitations. (See M.P.E.P. §2142). As noted above, Nakagawa and the IBM Disclosure does not disclose or suggest each feature of Applicant's invention as claimed.

Neither reference provides the requisite suggestion or motivation to modify the references as proposed by the Examiner. The Examiner's proposition that Applicant's invention would be obvious as recited in the claims is not supported by the factual contents of Nakagawa and the IBM Disclosure. The Examiner states that the motivation would arise because the System Administrator will be able to balance the workload across the managed systems in a LAN and be able to detect when problems occur. However, Applicant's invention is directed to collecting attribute data from multiple platforms, recognizing the copyright data, processing the copyright data into a list and displaying the list to a user. There is no motivation to combine Nakagawa with the IBM disclosure to achieve this end.

Nakagawa relates to acquiring copyright information from the HTML documents, i.e. "web pages" not "platforms" as is described and claimed by Applicant. The IBM disclosure relates to an "inventory" of software objects-not acquiring copyright information as is described and claimed by Applicant. Nakagawa is not interested in an "inventory" of copyright information, only the inspection of the copyright data of HTML documents. In

fact, Nakagawa makes no mention of displaying or providing the copyright data to the user and certainly does not teach providing any type of list of "copyright" information. At most, the combination of Nakagawa and the IBM Disclosure would be to provide **an inventory of HTML documents** or even perhaps an inventory of HTML documents for which copyright information has been "inspected." But neither reference relates to acquiring, displaying or providing a list of copyright information for **"platforms"** as is disclosed and claimed by Applicant. Thus, the legal motivation to combine these references to achieve Applicant's invention as recited in the claims, for purposes of 35 U.S.C. §103(a) is simply not present.

Thus, claims 1 and 12 should be allowable. Claims 2 and 13-17 should be allowable at least in view of their respective dependencies.

Claim 7 depends from claim 5 and should be allowable at least by reason of its dependency. Furthermore, the IBM Disclosure does not disclose "collecting" license information. Rather, it discloses the control of "software" for licensing control.

With respect to claim 13, neither Nakagawa nor the IBM Disclosure relate to "collecting" copyright data as claimed Applicant.

With respect to claim 14, there is no disclosure in either of the references to "storing" the copyright data as claimed by Applicant. Nakagawa only "inspects" the copyright and the IBM Disclosure does not discuss copyright data.

With respect to claim 15, Nakagawa paragraph [0088] is absolutely silent as to any collection of attribute data from multiple platforms "simultaneously."

With respect to claim 16, neither reference discloses passing the attribute data to the user interface. Nakagawa does not pass the copyright data on, it only inspects it.

With respect to claim 17, Nakagawa is completely silent with respect to the generation of a "list" of copyright years. Thus, this limitation is also not taught.

With respect to claim 18, the "inspection software" 24 of Nakagawa is simply not the same as "attribute data" that comprises "copyright and license data related to software." The inspection software 24 of Nakagawa is used to inspect the copyright information of the HTML documents [0050]. Applicant's claim recites collecting copyright and license data related to software. Applicant is not reciting **inspection software** in this claim.

With respect to claim 19, Nakagawa fails to make any reference whatsoever related to a "list of copyright years" related to each "software object." FIG. 5 of Nakagawa is merely a diagram for "explaining" digital data attributes [0040] and makes absolutely no reference at all to copyright years.

With respect to claim 20, Nakagawa makes no reference to the platforms or document processing apparatus recited and claimed by Applicant.

Claim 21 recites that the attribute data comprises copyright data for each software object. Contrary to the Examiner's statement, nowhere in Nakagawa is there any disclosure at all of obtaining the copyright information **related to** the inspection software 24. Nakagawa uses the inspection software 24 to inspect the HTML documents. Nakagawa is quite obviously **not** collecting the attributes of the inspection software 24 and the inspection

software 24 bears no relationship to what is claimed by Applicant in claim 21.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

If the Examiner is not convinced of the allowability of the subject claims, entry of this amendment is respectfully solicited at least for the purposes of continuing the appeal process.

The Commissioner is hereby authorized to charge payment for a one month extension of time together with any other fees associated with this communication or credit any over payment to Deposit Account No. 24-0037.

Respectfully submitted,

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